

**TOWN OF WEST HARTFORD - PUBLIC HEARING
ORDINANCE REVISING PROCEDURES FOR
OBTAINING DRIVEWAY PERMITS
APRIL 10, 2014**

Councilor Cantor opened the Public Hearing at 5:55 p.m.

Councilor Cantor: Okay. I'd like to open the public hearing on an Ordinance Revising Procedures for Obtaining Driveway Permits. Roll Call please.

Present were Councilors Chris Barnes, Shari Cantor, Harry Captain, Leon Davidoff, Burke Doar, Denise Hall, Clare Kindall. Scott Slifka and Judy Casperson were absent.

Councilor Cantor: Mr. Van Winkle?

Mr. Van Winkle: Yes, our town engineer, Dwayne Martin, is here to discuss the ordinance.

Councilor Cantor: Thank you.

Mr. Martin: Good evening. The ordinance put before you is in regards to a modification that we are seeking with regards to our engineering permits, specifically our driveway permits. The language in there is a lot of additive with regards to the word driveway, as you'll see in there, because there was not a lot of it there and we were seeking permits for driveway work within the right of way but often times, there was a need for permits for driveway work that was outside of the right of way because of concerns about potential grading and adverse drainage conditions associated with changes to the pitch of the driveways and maybe also the expansions of the driveways. We also sought permits for work that was done with regards to expansion of the driveways as it may affect zoning regulations. So the information in the revised ordinance is really for clarification purposes with regards to specific work being done for a driveway. We've also had a number of driveways that were done in West Hartford through the course of the past years where contractors were not getting adequate permits for the work. So we plan on, assuming that this is approved, going on a campaign to try and address the needs of informing the public of the new ordinance and the requirement for contractors to get permits for driveway work.

Councilor Cantor: Thank you. Are there any questions? Ms. Hall?

Councilor Hall: Thank you. Can you just sort of in layman's terms describe what you think the net effect of this change in the ordinance would be for your department and for our residents?

Mr. Martin: With regards to the residents, as I said, I think a lot of residents don't realize that the permits are necessary and why they are necessary. And often times, when driveway work is done, it can have an adverse effect whether it's on the infrastructure in the town – for example, you have a lot of heavy equipment going over the sidewalk area or curb, maybe catch basins and

things of the nature. So damage is occurring and nobody's tracking that. So it's a means of making sure that that damage doesn't occur and if it does, we know how to proceed with trying to get it fixed. There's a little bit of a protection to the residents with regards to requiring contractors to get necessary insurance and bonding in order to do that type of work. Also workmen's compensation, things of that nature. That's all tied in with the license requirements. So there's a little bit of credibility in making sure that there's good contractors doing the work for the residents. With regards to the town, of course there's work that's going on that they're not paying the fees that are associated with a license and driveway permits.

Councilor Hall: Okay. Thank you.

Mr. Martin: You're welcome.

Councilor Cantor: Thank you, Ms. Hall. Yes, Ms. Kindall?

Councilor Kindall: Mr. Martin, is this fee new cause I noticed that the changes in the ordinance are saying that the fee will be \$50 in a couple of spots and is that a new fee or has that always existed and was printed someplace else?

Mr. Martin: The fee is the same – the same dollar amount that's always been in there. For any license for a contractor to do work associated with the engineering permit requirements, it's a \$50 fee for the license and that's an annual fee. And then each respective permit is a \$50 fee, as well. That fee is not increasing; it was always in there.

Councilor Kindall: So to the extent we wanted to change that fee, we would need to do a zoning change? In other words, by putting it in this ordinance, Ron, are we saying that for any future changes, we would have to do a zoning change to increase the fee?

Mr. Van Winkle: For any future changes, you would have to do an ordinance change.

Councilor Kindall: An ordinance change, I'm sorry.

Mr. Van Winkle: That's what you meant, yes.

Councilor Kindall: Yes. Okay. Thank you.

Councilor Cantor: Thank you. Mr. Captain?

Councilor Captain: Mr. Manager, is that the norm to sort of hardwire fees into an ordinance?

Mr. Van Winkle: A lot of our fees, zoning fees and construction fees, are in our ordinances. Some of the smaller things are not in the ordinance but a general rule, we try to set those up so

that if someone has a question, they can go to an ordinance and see where the authority for that fee was. So it's not the rule but it is 95% of the rule.

Councilor Captain: Thank you.

Councilor Cantor: Thank you. Any other questions? Thank you. .no one on the signup sheet? Thank you. I'd like to close the public hearing.

[inaudible from audience]

Councilor Cantor: Thank you. Is there anybody here who wants to speak to the subject of this public hearing? Yes, Mr. Milne.

Robert Milne: Just on the subject of fees and issues regarding any statutory authority, both Ms. DiNapoli and myself can testify that there are circumstances by which the town charges fees and – with no authority. Home occupancy permits and those situations where people are renting to people within the same dwelling – where there's cohabitation. We found in two cases where these fees were unauthorized. We also went to the town council with it and they wouldn't even return the money, even after collecting it illegally. So I question what Mr. Van Winkle has to say. I don't believe that – typically from our experience – that his comments should be relied on. Thank you.

Councilor Cantor: Thank you. Anybody else?

[Inaudible]

Councilor Cantor: Thank you, Ms. DiNapoli. Your time is up. Anybody else that would like to speak to this public hearing? Okay, I'm going to close this public hearing.
Public Hearing closed at 6:08 p.m.

Essie S. Labrot

Town Clerk/Council Clerk

ESL/kc